(4)

(1) CF 1004

BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P. No. 3633 /2003 (S.B.)

PETITIONER : Prahlad Prasad Pandey, aged about 36 years, s/o Shri Chintamani Pandey, r/o Dhamdha, Tehsil Dhamdha, District Durg, C.G.

P.R. No. 3444/03
Presented by Shri Smt. Meera Jaiswal
dated 04.11.03

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Ministry of Revenue, Mantralaya, D.K.S. Bhawan, Raipur, P.O. & District Raipur, C.G.

2. Collector, Durg, District Durg, C.G.

3. Tehsildar, Dhamdha, District Durg, C.G.

4.11.03

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF CERTIORARI, MANDAMUS AND ANY OTHER WRIT/DIRECTION/ORDER.

XI-HC-22

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3633 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21-11-2003 Heard Smt. Meera Jaiswal, counsel for the petitioner. By this petition filed under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 1-9-2003 by which the petitioner has been transferred from Patwari Halka No. 8 to Patwari Halka No. 15. The case of the petitioner is that he is working as Patwari and he was posted at Patwari Halka No.8, Tehsil Dhamdha from where he has been transferred to Patwari Halka No. 15 in the same Tehsil. One Shatrughanlal Mishra who was working at Patwari Halka No. 26 has been transferred at the place of the petitioner at Patwari Halka No. 8 vide order dated 23-6-2003. Against that order he filed an application before the State Administrative Tribunal. After closure of the S.A.T. he approached the High Court. It appears that order has been cancelled and in the meanwhile Shri K.L. Sahu has been transferred at Patwari Halka No. 8. The main grievance of the learned counsel for the petitioner is that the transfer of the petitioner has been effected in the mid term. It is not disputed that the petitioner was working at Patwari Halka No. 8 since last more than 3 years and moreover, the petitioner has been transferred in the same Tehsil, therefore, I do not find any arbitrariness and unreasonableness in the impugned order. Moreover	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the transfers are always made in the administrative exigencies unless and until the petitioner alleges that the transfer has been effected contrary to the Rules or with malafide exercise which has not been alleged in this case. The only ground is that the transfer of the petitioner has been effected in the mid session.

The petitioner was initially transferred in the month of June, 2003, however, that order was cancelled. But later on vide impugned order he has been transferred in the mid sessions. Even this ground is of no avail to the petitioner. Since the transfer has been made in the same Tehsil which is not punitive in nature, therefore, I do not find any substance in this writ petition and the same is liable to be dismissed and it is dismissed.

Sd/-
L.C. Bhadoo
Judge

Barwel

[पीछे देखिये